

# Rhode Island FirstNet Annual Report

*November 1, 2014 - October 31, 2015*



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## Executive Summary

Signed into law on February 22, 2012, the [Middle Class Tax Relief and Job Creation Act](#) created the First Responder Network Authority (FirstNet); an independent authority within the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA). The law tasks FirstNet with the mission to build, operate and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety.

The purpose of the FirstNet network is to greatly improve public safety communications and emergency response using the Internet. Just as smartphones have changed personal lives, broadband and the Internet will ultimately change the way public safety personnel operate. In the case of FirstNet, think of the network as a more reliable, secure and flexible version of the broadband access on your smartphone -- dedicated to public safety. This is explained in more detail in the body of this report.

At the outset, the network is not intended to replace the 800 MHz radio communications system used today by Rhode Island public safety personnel (a.k.a. RISCON), but will replace or mitigate the need to use current commercial wireless broadband and cellular services (such as Verizon Wireless, Sprint, AT&T, etc.). When created, the network will employ commercial standards for Long Term Evolution (LTE) service, which is currently in use by all commercial wireless carriers.

To facilitate state cooperation in FirstNet implementation, Congress directed the NTIA to establish the State and Local Implementation Grant Program (SLIGP). The State, through RIEMA as its designated entity, received a formula grant of \$774,000. The grant was awarded in September 2013 and expires in February 2018. FirstNet works through the governor-designated single point of contact, or SPOC, on all issues related to state and local planning, consultation and developing state requirements.

As of September 30, 2015 RIEMA spent approximately \$177K, or 23%, of the grant proceeds. FirstNet's program objectives, plans and schedule continue to evolve and consequently, our spend plan continues to evolve as well. As examples, this year the NTIA increased the grant period by almost two years due to the protracting FirstNet schedule. At the same time, the NTIA also reformed and accelerated the "Phase II" Data Collection requirements to facilitate project changes. RIEMA anticipates that these changes will not require any additional funding requests, but expects that grant spending will accelerate as FirstNet's plan further develop.

FirstNet is still in the early planning stages and it is expected to take several years before the network is fully implemented. The general timeline for the project is as follows:

2014-2016	2016+	2022
Strategic program roadmap; Conduct state consultations; Collect data and design network; Develop and award comprehensive RFP; Establish network core	Governor reviews design offer; Opts in or out of FirstNet network deployment; Integrate next-generation 9-1-1; SLIGP grant ends February 2018	Network substantially in operation; Establish network core

For the year ending October 31, 2015, RIEMA saw a marked increase in interaction between FirstNet and the state as well as FirstNet and the general public. FirstNet solicited several rounds of feedback in the form of Public Notices and shared its plans and proposed milestones through several web-based and in-person SPOC and in-situ state consultations. Further milestones achieved in the last year include an update to the Statewide Communications Interoperability Plan (SCIP), several Education and Outreach initiatives and a Data Collection Project.

In the data collection process, RIEMA identified 238 Public Safety Entities (PSEs) in Rhode Island that qualify as potential FirstNet users. As part of the process FirstNet provided its baseline projection of network coverage in Rhode Island, which covered the entire state. RI concurred with this proposal and submitted data and maps to help justify the baseline. The project team will continue to collect broadband data into the next year with the goal of creating a more accurate and complete picture of state PSE broadband requirements.

The last year of the FirstNet program can be characterized as one focused on planning, strategy development and significant outreach and information gathering. In the next year, there will be a major shift in FirstNet activities geared towards: 1) Releasing and awarding an RFP for the development of the network (a.k.a. acquisition process) and 2) Delivering the Rhode Island State Plan to the Governor and obtaining the Governor's Opt-In/Opt-Out decision (a.k.a. state planning process).

The process of creating the Request for Proposals (RFP) and awarding the contract is referred to as the ***"acquisition process."*** FirstNet is on schedule to release the RFP by the end of 2015 and to award the contract by mid-2016. Once FirstNet selects a vendor and an award is made, the ***"state decision process"*** can begin. FirstNet will provide the Governor with a notice of the completion of the RFP process, the details of the proposed state plan, and the funding level for the state. These funds are allocated by FirstNet for the buildout of the State radio access network (RAN) and seemingly does not require any outlay on the part of the state.

Upon receipt of the plan, the Governor has 90 days to notify FirstNet whether the state will opt-in and participate in the FirstNet plan, or opt-out and build its own radio access network. If the Governor decides to opt out, he/she is required to notify FirstNet, the NTIA, and FCC within the 90 days. If the Governor does not provide notice of a decision to opt-out, FirstNet interprets this as a decision to opt-in.

If the State decides to opt-out, it has 180 days to develop and complete an RFP process for the construction, maintenance and operation of the Radio Access Network (RAN) within the State. The State is required to submit a plan to the FCC which is interoperable with the NPSBN and complies with the minimum technical interoperability requirements under the Act. The FCC can reject the plan, thereby nullifying the work – which then defaults to an opt-in decision.

The most often asked question about FirstNet is "How much is it going to cost?" There are really two parts to the question: 1) will network construction and implementation incur any cost to the State, and 2) what outlay for service fees will be required of the PSEs? Neither part has been answered yet but are critical to any discussion about the State's participation in and overall success of FirstNet.

The preceding information is covered in more detail in the body of the report. For further details and questions, please contact:

State Single Point of Contact: Tom Guthlein, Technical Services and Operations, RIEMA

Phone: 401-462-7121; e-mail: [thomas.guthlein@ema.ri.gov](mailto:thomas.guthlein@ema.ri.gov)

FirstNet Project Manager: Stuart Freiman, Rhode Island Commerce Corporation (assigned to RIEMA)

Phone: 401-462-7142; e-mail: [stuart.freiman@ema.ri.gov](mailto:stuart.freiman@ema.ri.gov)

## I. FirstNet Background

### a. What is FirstNet?

Signed into law on February 22, 2012, the [Middle Class Tax Relief and Job Creation Act](#) created the First Responder Network Authority (FirstNet); an independent authority within the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA).

The law gives FirstNet the mission to build, operate and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety. The so-called *National Public Safety Broadband Network* (synonymous with "NPSBN," "FirstNet," or "the network") is governed by a 15-member Board consisting of the Attorney General of the United States, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and 12 members appointed by the Secretary of Commerce including representatives from public safety – local, state and federal government – and the wireless industry.

The purpose of FirstNet is to provide a dedicated, resilient nationwide wireless broadband data network for the public safety community that greatly improves communications and emergency response via the Internet.

Today, the vast majority of public safety communications occurs through the radios used by police, fire and emergency personnel. Think of the walkie-talkie type devices you see being used by emergency personnel. This decades old technology has withstood the test of time, but is almost exclusively limited to voice communications; public safety personnel talking to each other. After 9/11, the public safety community fought hard to fulfill the 9/11 Commission's last standing recommendation and lobbied Congress to pass legislation to establish a dedicated, reliable network for advanced data communications nationwide. Hence the emergence of FirstNet.

Just as smartphones have changed personal lives, broadband and the Internet will ultimately change the way public safety personnel operate. In the case of FirstNet, think of the network as a more reliable, secure and flexible version of the broadband access on your smartphone -- dedicated to public safety.

Personnel across all public safety organizations using the FirstNet network will be able to access and share video, images, applications and data to have a common operational picture as incidents unfold. The FirstNet network will enable the exchange of real-time data and audio/video feeds to assist incident commanders with operational decision-making and maximize response effectiveness. Using 21<sup>st</sup> century technology will enable faster and better coordinated response to natural and manmade disasters.

Currently, the same wireless data networks are used by emergency personnel, private citizens and businesses, with no distinction in priority. In an emergency situation, if the network is available for use, public access congests the network and renders it unusable for public safety. FirstNet solves this problem by offering a dedicated network which is resilient and redundant – has the ability to withstand weather events and other emergencies, as well as preemptive and prioritized – has the capability to determine who gets access and priority during emergencies.

Since the focus for FirstNet at the outset is data communications, the network is not intended to replace current radio communications systems (RISCON in Rhode Island) but will replace or mitigate the need to use current commercial wireless broadband and cellular services.

Funds for the construction of the NPSCN will primarily come from three sources: (1) \$6.5 billion in cash provided by the Federal government from wireless spectrum auctions, (2) Fees generated from commercial use of the network's capacity when not being used by public safety entities, and (3) Subscriber fees from public safety entities. To contain costs, FirstNet is tasked with leveraging existing telecommunications infrastructure and assets, which includes exploring public/private partnerships that can help support and accelerate the creation of the network.

Part of the spectrum to be auctioned includes the "T-Band" (470-512 MHz), which is a segment of the UHF 400MHz band allocated for public safety radio communications. There are 10 PSEs in Rhode Island that currently use the T-Band and are required by law to "vacate" it and move to new channels. To accomplish this, the communities will have to purchase a different set of costly communications equipment to create the new network and access the channels. The NTIA and FirstNet are currently exploring the development of a grant program to underwrite these expenses (Band 14 Incumbent Spectrum Relocation Project Grant, CFDA No. 11.014).

#### b. What is SLIGP?

To facilitate state cooperation in FirstNet implementation, Congress directed the NTIA to establish the State and Local Implementation Grant Program (SLIGP) to support states as they prepare for the planning and launch of the network. Rhode Island, through the Rhode Island Emergency Management Agency (RIEMA), received a formula grant of \$774,000 -- supplemented by \$193,500 in state match -- for a total of \$967,500. These funds, which were awarded in September 2013 and expire in February 2018, are designated for developing state plans, stakeholder outreach programs, and interacting with FirstNet on data collection and other programmatic requirements -- the most significant of which was to designate a single point of contact as well as a state governance body to consult with FirstNet.

#### c. State Governance

FirstNet works through the governor-designated single point of contact or SPOC on all issues related to state and local planning, consultation and developing state requirements. With regard to governance body, the RIEMA Director agreed to leverage the Interoperable Communications Committee or ICC (RIGL 30-15-42) which represents the state's public safety community and has oversight on the state's radio communication systems. To that end, one of the "at-large" positions on the ICC was stipulated to focus on broadband. RIEMA has also engaged with RI Commerce Corporation to assign a project manager. The Rhode Island FirstNet team includes:

State Single Point of Contact: Tom Guthlein, Technical Services and Operations, RIEMA

Phone: 401-462-7121; e-mail: [thomas.guthlein@ema.ri.gov](mailto:thomas.guthlein@ema.ri.gov)

FirstNet Project Manager: Stuart Freiman, Rhode Island Commerce Corporation (assigned to RIEMA)

Phone: 401-462-7142; e-mail: [stuart.freiman@ema.ri.gov](mailto:stuart.freiman@ema.ri.gov)

#### d. Required Program Deliverables

Per the information in the previous two sections, RIEMA has deliverables to both the NTIA, primarily focused on SLIGP grant administration and project reporting and to FirstNet, primarily focused on network planning and implementation.

##### NTIA Deliverables

- Execution and reporting on the SLIGP grant
- Conduct education and outreach for all relevant stakeholders
- Enhance the Statewide Communications Interoperability Plan (SCIP) to include broadband and FirstNet
- Establish a governance structure to consult with FirstNet
- Develop procedures to ensure local and tribal representation
- Identify potential users of the NPSBN
- Create process flow for state plan review and decision

##### FirstNet Deliverables

- Interaction and Consultation through the SPOC
- Data on Coverage, Users and their operational areas, Capacity planning, Current providers and Procurement vehicles
- Response to Public Notices
- State Consultations
- Opt In / Opt Out Decision on FirstNet Radio Access Network (RAN) plan
- State-developed RAN Plan (if Opt Out decision)

#### e. Summary Schedule & Milestones

FirstNet is still in the early planning stages. It is expected to take several years before the network is fully implemented. See Appendix 1: FirstNet by the Numbers for a graphic representation of the following high-level schedule.

##### 2014-2016

- Strategic program roadmap
- Conduct state consultations
- Collect data and design network
- Develop and award comprehensive RFP
- Establish network core

##### 2016+

- Governor reviews design offer and opts in or out of FirstNet network deployment
- Integrate next-generation 9-1-1
- SLIGP grant ends February 2018



2022

- Network substantially in operation

## II. Progress to Date

For the year ending October 31, 2015, RIEMA saw a marked increase in interaction between FirstNet and the state as well as FirstNet and the general public. FirstNet solicited several rounds of feedback in the form of Public Notices and shared its plans and proposed milestones through several web-based and in-person meetings. Below are details of our activities and accomplishments of the last year.

### a. Single-Point-of-Contact Meetings

In the past year, FirstNet held 4 web-based update meetings with the entire SPOC community. The topics of these meetings varied from strategy and schedule updates to the public notice process.

In addition to the web-based meetings, FirstNet held two in-person meetings which took place in April 2015 (Reston, VA) and October 2015 (Westminster, CO). These meetings went into far more detail about all of FirstNet's activities and accomplishments. In addition, FirstNet used these sessions to seek in-depth feedback from the states and territories and to provide an opportunity for the states to network with each other.

Through these meetings, the RI FirstNet team has developed good relationships with FirstNet and other states, both regionally and nationally. These will be very valuable as FirstNet moves from planning to decision-making and ultimately implementation; especially in understanding FirstNet's opt-in/opt-out process and plans, as well as its implementation plans.

### b. State Consultation

The law requires FirstNet to consult with Federal, State, tribal, and local public safety entities to ensure that the network is designed to meet the needs of public safety across the country. This year it initiated the first round of visits, or "consultations," to each of the states and territories. In December 2014, Rhode Island responded to FirstNet's initial consultation package with the document contained in Appendix 2: Rhode Island Response to Initial Consultation Package. The consultation meeting took place on May 6, 2015.

The meeting was well attended by both FirstNet and the Rhode Island public safety community. FirstNet had a chance to meet many Rhode Island public safety leaders and hear from them about their current broadband usage as well as future requirements. In addition, FirstNet personnel gave presentations focused on roles and responsibilities, users and coverage needs, expectations for data collection, and other state-specific issues.

The State outlined three scenarios that were typical of the kinds of incidents that would require a mission critical, high performing broadband network. The scenarios were 1) The Station Nightclub Fire, 2) The Ringling Brothers Circus accident and 3) the RIPTA bus shooting incident. As described at the meeting, these incidents all required cross-agency, cross-jurisdiction, response and cooperation in a situation that required a large upsurge in network use for a concentrated period of time.

### c. Public Notices

In the past year, FirstNet released a series of three notices and a “special” notice, the purpose of which was to seek public comment on issues and statutory interpretations that impact the request for proposal (“RFP”) regarding the building, deployment, and operation of the NPSBN. Inputs informed FirstNet on acquisition planning, RFPs, and the legal boundaries of customers able to use the NPSBN. In addition to the public notices, FirstNet published notices detailing its comments and interpretations of the feedback it received. The notices were as follows:

- **First Public Notice 9/2014** -- In the First Notice, FirstNet provided preliminary interpretations on, among other things, which entities beyond traditional first responders that would qualify as a “public safety entity” under the Act.
- **Second Public Notice 3/2015** – In the Second Notice, FirstNet sought public comment on key interpretations of the Act that impact operational and economic issues regarding the planning, deployment, operation, and sustainability of NPSBN. The responses to this notice helped inform FirstNet’s development of requests for proposals (RFPs) and the plans to be presented by FirstNet for NPSBN build out in each state or territory. The State of Rhode Island formally responded to this notice. See Appendix 3: Rhode Island Response to Second Public Notice. The State’s response focused primarily on FirstNet’s interpretations of the authority Congress gave them to approve or deny alternative state plans vs. how much sovereignty Congress intended for the States in the overall process. Further, the State opined on the need to understand the full costs of the network and service plans as well as the plans being offered to other states prior to making its opt-in/opt-out decision.
- **Third Public Notice 4/2015** – In the Third Notice, FirstNet sought to clarify its proposed interpretations related to the definition and scope of the term “public safety entity” as used in the Act, including how the term applies to non-traditional first responders.
- **Special Notice & Draft RFP** – The “Special Notice” put forth a draft of the RFP and sought questions and comments. More than 650 questions were posted by the public.

### d. Statewide Communications Interoperability Plan Update

In a meeting which took place on June 2-3, 2015 and was facilitated by the U.S. Department of Homeland Security, Office of Emergency Communications, leaders of the Rhode Island public safety community (including members of the ICC) collaborated to review and update the Statewide Communications Interoperability Plan (SCIP). The updates mostly focused on adding elements of broadband communications and FirstNet into the state’s interoperable communications plans. The updates were subsequently voted on and approved by the ICC. As noted earlier, the network is not intended to replace the current land mobile communication system (RISCON) network but will replace or mitigate the need to use current commercial wireless broadband and cellular services.

### e. Data Collection Project

One of the major deliverables of the SLIGP grant was completed when Rhode Island submitted its report entitled “FirstNet Rhode Island Initial Data Collection” on September 30, 2015. The report covered the following topics:

- **Coverage:** Identify desired coverage within the state or territory and proposed build out phases.
- **Users and Operational Areas:** Gather information on the eligible user base and respective operational areas.

- **Capacity Planning:** Estimate current data usage today from typical users with indicators of potential growth.
- **Current Broadband Services/Procurement:** Identify current services and plans, procurement vehicles, and barriers to adoption.

The data collection process was performed in collaboration with EA Engineering, Science and Technology (EA), the subcontractor for the project. EA developed the project process flows, online survey, data repository, reports and GIS analysis.

In total, RIEMA identified 238 Public Safety Entities (PSEs) in the state which qualify as potential FirstNet users. Table 1 below contains the summary of collected data and estimated number of personnel and devices for eligible public safety entities based on the known PSEs.

Table 1: *Surveyed and estimated PSE personnel and device counts*

<b>2c. Objective: Estimate the total number of eligible Public Safety Entities, associated personnel and devices within the State/Territory. Use surveys, interviews and samples to help estimate the totals.</b>								
Discipline Examples	Surveyed Data (Sampling)				Known PSE Agencies with Estimated Personnel			
	Agencies	Personnel	Devices	Dev./User	Agencies	Personnel	Dev./User	Devices
Law Enforcement (Municipal Police, State Police, Sheriff, Highway Patrol)	25	2,301	1,631	0.7	61	4,353	0.7	3,085
Fire Service	38	2,611	709	0.3	72	4,947	0.3	1,343
Emergency Medical Services	2	20	3	0.2	1	10	0.2	2
Courts, Corrections and Security				No Entry			No Entry	
Emergency Management	2	105	17	0.2	33	1,733	0.2	281
Facilities and Land Management				No Entry			No Entry	
Highway and DOT				No Entry			No Entry	
Hospitals and Medical Facilities	13	26,275	8,036	0.3	20	40,423	0.3	12,363
National Security/Intelligence				No Entry	3	75	No Entry	
Public Administration and Support Services				No Entry	45	1,125	0.3	338
Public Health				No Entry			No Entry	
Public Safety Communications				No Entry			No Entry	
Public Utilities (Electricity, Gas, Water, Telecom and Sewer)				No Entry			No Entry	
Specialized Law Enforcement (Investigations, Intelligence, Dignitary Protection, etc.)				No Entry	4	20	0.3	6
Transportation Operations (Air, Pipeline, Rail, Sea and Waterway)				No Entry			No Entry	
Other Governmental Agencies				No Entry			No Entry	
Other Regulatory Agencies				No Entry			No Entry	
Other Non-Specified				No Entry			No Entry	
<b>TOTAL</b>	<b>80</b>	<b>31,312</b>	<b>10,396</b>	<b>0.3</b>	<b>239</b>	<b>52,686</b>	<b>0.3</b>	<b>17,417</b>

It is worthy to note that FirstNet's baseline projection of network coverage in Rhode Island covered the entire state. Using GIS Spatial Analysis, RIEMA reviewed the baseline coverage objective provided by FirstNet which is interpreted to mean that every square mile polygon in the following map that has a traffic concentration designation needs to be covered by the FirstNet network. RI concurred with the baseline proposal and submitted data and maps to support their projection. Figure 1 shows a map of the FirstNet Rhode Island baseline coverage projection. Figures 2 & 3 show maps of PSE locations and PSE locations by population density.

The project team will continue to collect broadband data into the next year with the goal of creating a more accurate and complete picture of state PSE broadband requirements.

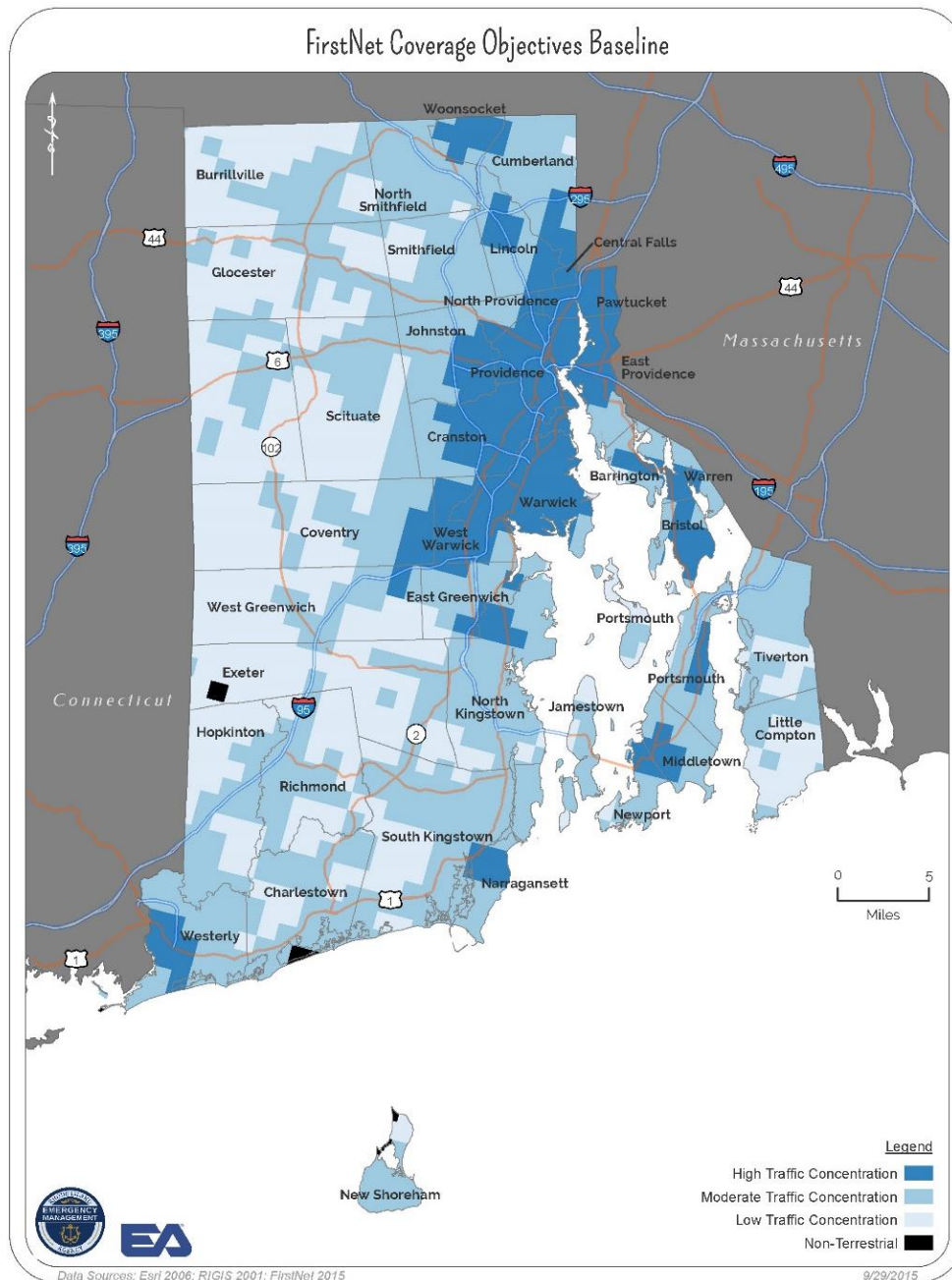


Figure 1: Map of Rhode Island baseline broadband traffic volume (Source: FirstNet)

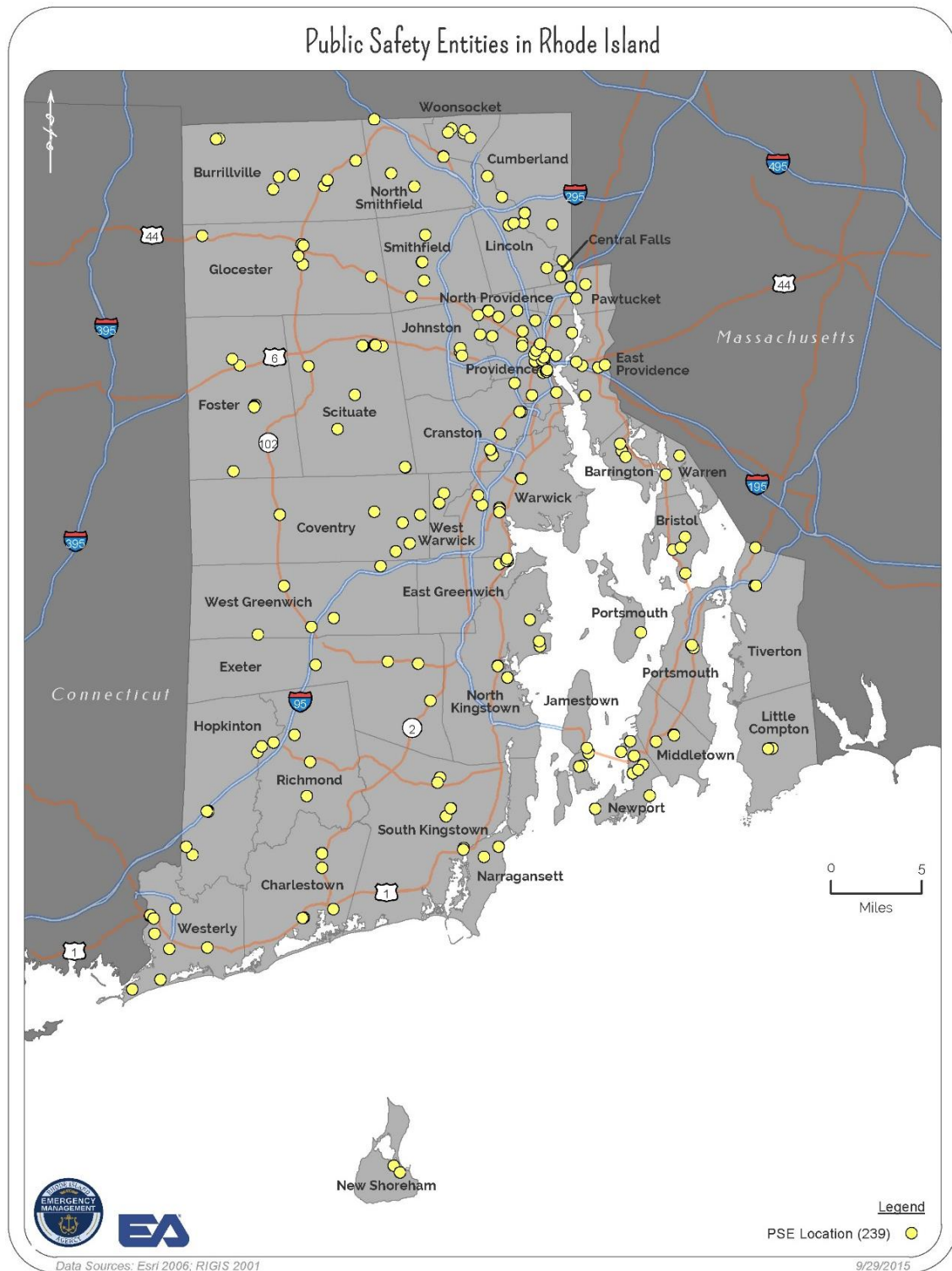


Figure 2: PSE Locations in Rhode Island



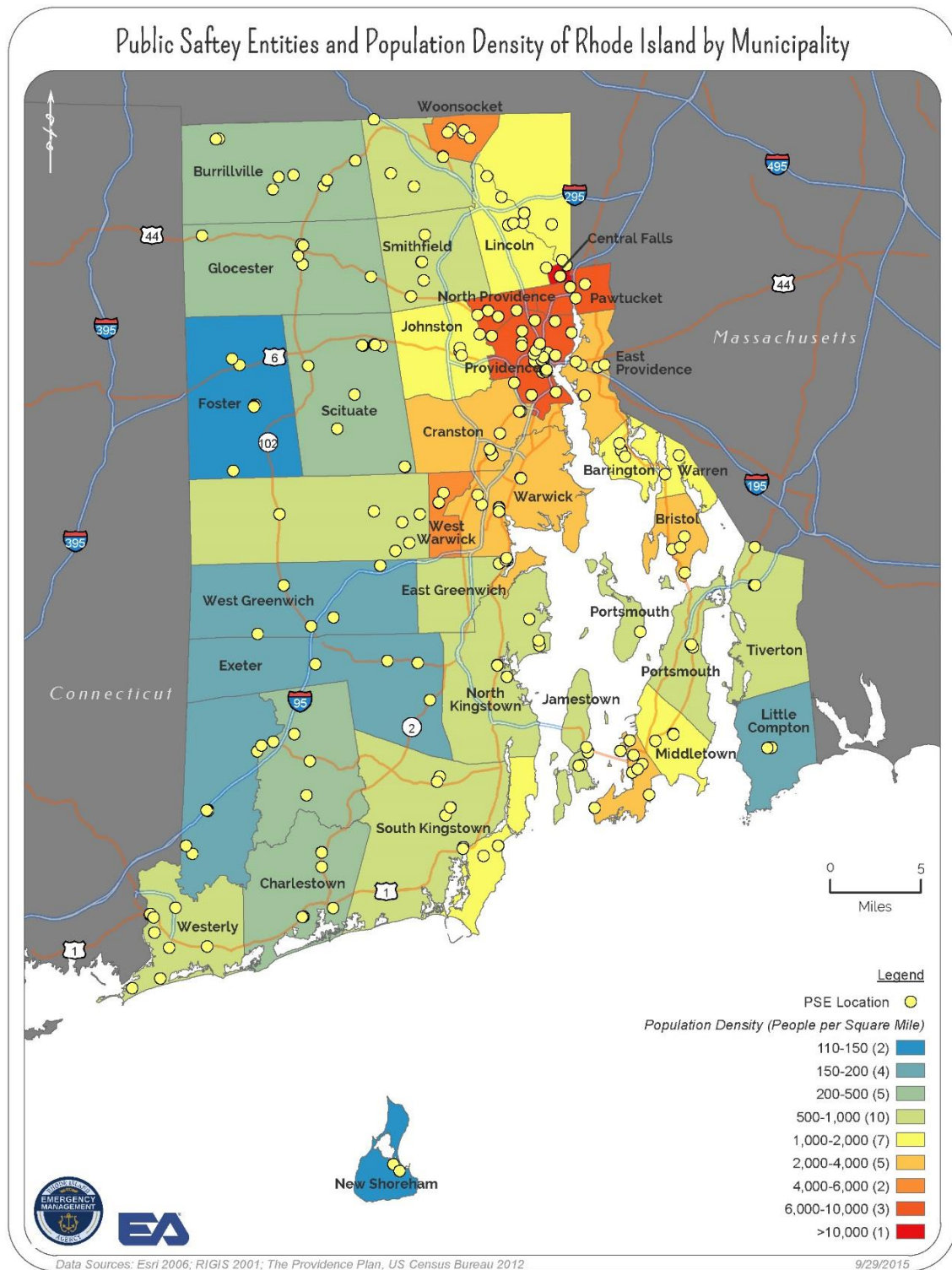


Figure 3: Map of Rhode Island PSEs with population density by municipality

#### f. Education and Outreach

Another foundation of the SLIGP grant is informing and educating members of the public safety community about the network, project, timeframe and opportunity presented by FirstNet. Although early in process, the Rhode Island FirstNet team leveraged various opportunities to share information about FirstNet with Rhode Island public safety personnel. These included ICC meetings, police chief and fire chief association meetings and the RIEMA Preparedness Conference event held August 25 & 26, 2015.

#### g. Grant Spending

As stated in Section I.b. of the Act, Congress directed the NTIA to establish the State and Local Implementation Grant Program (SLIGP) to support states as they prepare for the planning and launch of the network. Rhode Island received a formula grant of \$774,000 -- supplemented by \$193,500 in state match -- for a total of \$967,500. These funds, which were awarded in September 2013 and expire in February 2018, are designated for developing state plans, stakeholder outreach programs as well as interacting with FirstNet on data collection and other programmatic requirements.

As of September 30, 2015 RIEMA spent approximately \$177K, or 23%, of the grant proceeds (see Table 2 below). FirstNet's program objectives, plans and schedule continue to evolve and consequently, our spend plan continues to evolve as well. As examples, this year the NTIA increased the grant period by almost two years due to the protracting FirstNet schedule. At the same time, the NTIA also reformed and accelerated the "Phase II" Data Collection requirements to facilitate project changes.

RIEMA is currently in the midst of a budget amendment to facilitate these changes which will be reflected in our next report. RIEMA anticipates that these changes will not require any additional funding requests, but expects that grant spending will accelerate as FirstNet's plan further develop.

Table 2: *SLIGP Grant Budget and Spending Through September 30, 2015*

Project Budget Element	Federal Funds Awarded	Approved Matching Funds	Total Budget	Federal Funds Expended	Approved Matching Funds Expended	Total Funds Expended
a. Personnel Salaries	\$242,008	0.00	\$242,008	\$106,158.70	0.00	\$106,158.70
b. Personnel Fringe Benefits	\$145,819	0.00	\$145,819	\$48,622.70	0.00	\$48,622.70
c. Travel	\$40,500	0.00	\$40,500	\$529.05	0.00	\$529.05
d. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
e. Materials/Supplies	\$12,406	0.00	\$12,406	\$1,400.86	0.00	\$1,400.86
f. Subcontracts Total	\$301,983	0.00	\$301,983	\$19,973.79	0.00	\$19,973.79
g. Other	0.00	\$188,966	\$188,966	0.00	\$14,536.32	\$14,536.32
h. Indirect Costs	\$13,147	0.00	\$13,147	0.00	0.00	0.00
i. Total Costs	\$755,863	\$188,966	\$944,829	\$176,685.10	\$14,536.32	\$191,221.42
j. % of Total	80%	20%	100%	92%	8%	100%

### III. Planning for Next Year

The last year of the FirstNet program can be characterized as one focused on planning, strategy development and significant outreach and information gathering. In the next year, there will be a major shift in FirstNet activities geared towards: 1) Releasing and awarding an RFP for the development of the network (a.k.a. acquisition process) and 2) Delivering the Rhode Island State Plan to the Governor and obtaining the Governor's Opt-In/Opt-Out decision (a.k.a. state planning process).

As indicated earlier in this report, FirstNet was tasked to deliver the NPSBN. However, FirstNet will NOT build the network. It will contract out the entire network development and construction to a single vendor. The funds will primarily come from three sources: (1) \$6.5 billion in cash provided by the Federal government from wireless spectrum auctions, (2) Fees generated from commercial use of the network's capacity when not being used by public safety entities, and (3) Subscriber fees from public safety entities. Figure 4 below offers a simplified view of its business model.

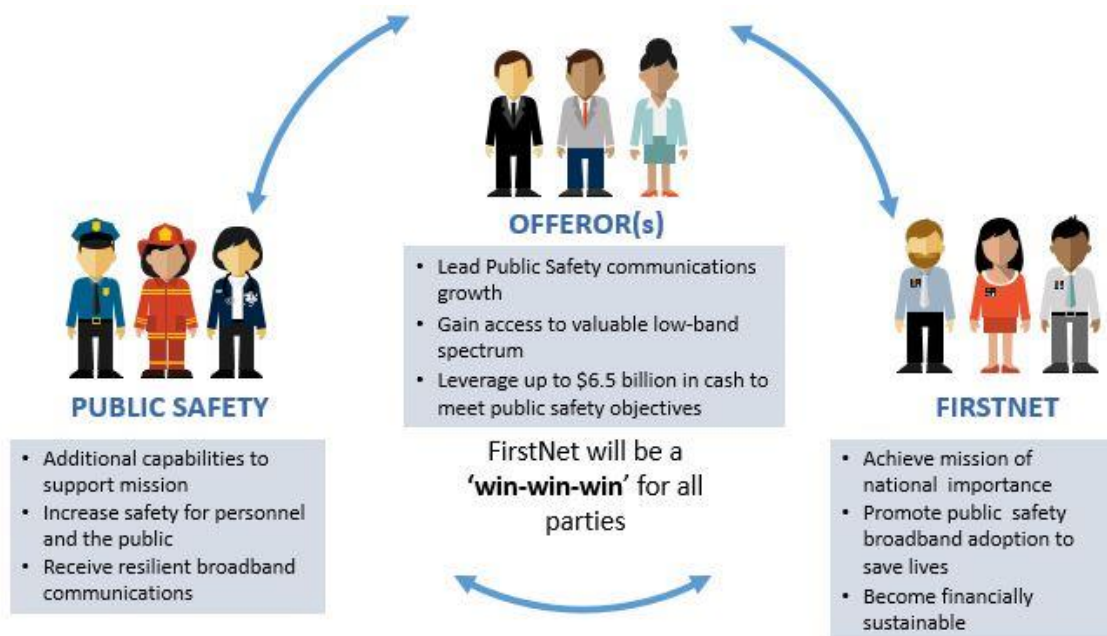


Figure 4: FirstNet Business Model (Source: FirstNet)

#### a. FirstNet Acquisition Process

The process of creating the Request for Proposals (RFP) and awarding the contract is referred to as the **"acquisition process."** FirstNet is on schedule to release the RFP by the end of 2015 and to award the contract by mid-2016. Once FirstNet selects a vendor, the state decision process can begin. Figure 5 below outlines FirstNet's 2015-2016 acquisition process schedule.





Figure 5: FirstNet 2015-2016 Acquisition Process Schedule (Source: FirstNet)

#### b. State Decision Process

Once the RFP process is completed and an award is made, FirstNet will provide the Governor with a notice of the completion of the RFP process, the details of the proposed state plan, and the funding level for the state. These funds are allocated by FirstNet for the buildout of the State radio access network (RAN) and ostensibly will not require any cash outlay on the part of the state.

Upon receipt of the plan, the Governor will have 90 days to notify FirstNet whether the state will opt-in and participate in the FirstNet plan, or opt-out and build its own radio access network. If the Governor decides to opt out, he/she is required to notify FirstNet, NTIA, and the FCC within the 90 days. If the Governor does not provide notice of a decision to opt-out, FirstNet interprets this as a decision to opt-in.

If the State decides to opt-out, it has 180 days to develop and complete an RFP process for the construction, maintenance and operation of the Radio Access Network (RAN) within the State. The ensuing plan submitted to the FCC requires that the state-developed RAN is interoperable with the NPSBN and complies with the minimum technical interoperability requirements under the Act. The FCC can reject the plan and nullify all the work done during the RFP process. Figure 6 below shows a summary of FirstNet's state decision process.

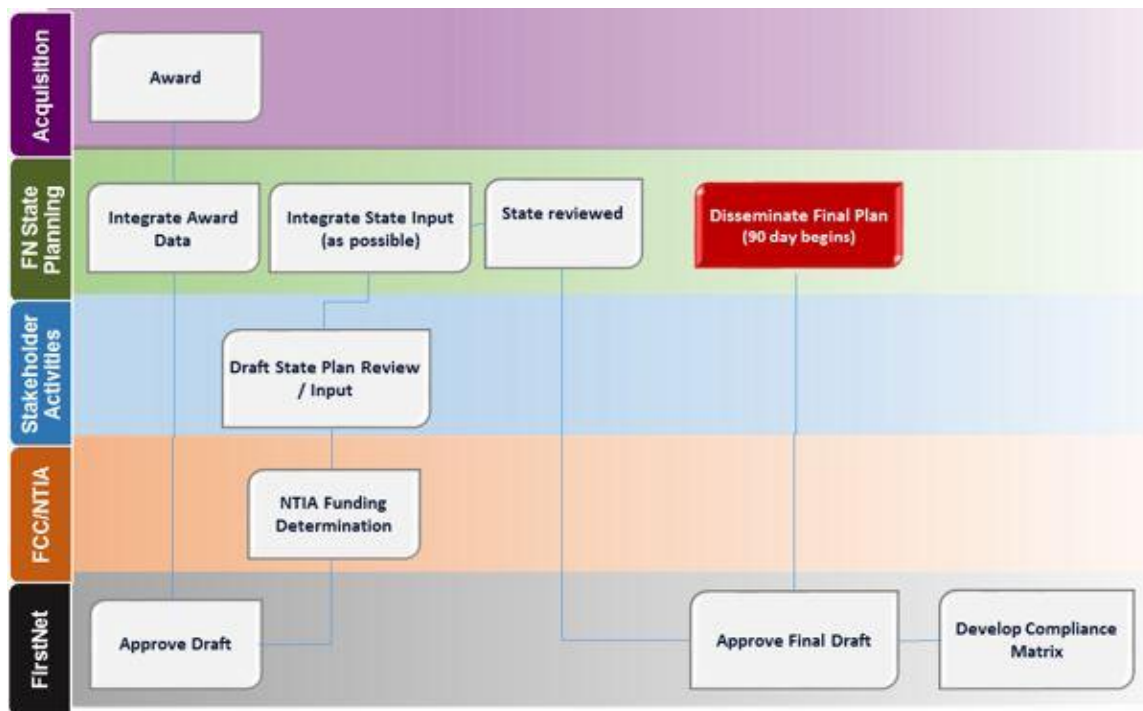


Figure 6: State Decision Process (Source FirstNet)

There is a lot of complexity associated with the Opt-In/Opt-Out decision; particularly if the State decides to Opt-Out. This decision will not have to be made before the end of 2016 and hence more details will be provided at an appropriate future date.

Three points that FirstNet emphasizes with regard to the state plan process are as follows:

- FirstNet's draft state plans cannot be created until an RFP award is made
- The time between RFP award and Governor's decision represents significant opportunity cost for public safety nationwide and therefore the motivation to make that period as short as possible
- FirstNet cannot implement the network in a state until the Governor reviews the respective state plan

RIEMA is required to document the review process the State will use to reach a decision as described in Figure 7 below. This is due to FirstNet in June 2016.

5. State Plan Decision		Document the process and potential barriers for State Plan decision-making
5a.	Document State Plan Review Process	Document the State Plan review decision-making process, associated timelines, responsibilities, and windows of availability for delivering a state plan for proper FirstNet planning when scheduling the delivery of the final state plan to the Governor

Figure 7: State Plan Decision Process Deliverable due June 2016 (Source FirstNet)

#### c. State Executive Level Consultations

In preparation for the state plan decision process and the ensuing Opt-In/Opt-Out decision, FirstNet intends to significantly broaden its consultation and outreach efforts in 2016. Specifically, it has made it a goal to meet with every State Governor as well as Senators and Congressman. In preparation for this meeting in Rhode Island, it sent the introduction letter located in Appendix 4 to Governor Raimondo in October, 2015. The Rhode Island FirstNet team will collaborate with the Governor's staff to plan that meeting.

#### d. Training and Outreach to Public Safety Entities

A review of the data collected from PSEs indicates that today broadband is that they primarily use broadband for general Internet connectivity and communications such as text and messaging. The general sense is that current usage is not "mission critical" but rather "adjunct" to their critical needs. This means that the public safety community is not taking full advantage of the power of the Internet in their standard operating procedures and shows a large upside opportunity for FirstNet to create both the infrastructure as well as applications that drive broadband adoption and make it more central to the public safety community.

Training is an important element in this and both FirstNet as well as the State recognizes the importance of preparing the public safety community for broadband adoption and use of the network. The theme of the State's outreach to the public safety community in 2016 will focus on delivering tabletop exercises or other pro-active broadband-related training for public safety personnel.

### IV. Unanswered Questions

FirstNet's push towards releasing the RFP and planning for the state plan decision has raised a number of relevant questions for Rhode Island (and all the states). In addition to the questions contained in the document in Appendix 2, which are still largely unanswered, the questions below will need to be considered as the State moves forward in the process. The questions fall into the following categories:

#### a. Impact on State of Rhode Island

- What investment is expected of the state in opting in (or opting out)? FirstNet says and Opt-In decision will incur "no cost" to the State but there are several cost questions that remain unanswered including: 1) required personnel and coordination, 2) user and device fees, and 3) maintenance and sustainability.
- The state plan itself is not a service contract. It is the PSEs that are entering into service agreements with FirstNet, not the state. Hence, what is the State's role in the plan after Opt-In? Network policy?
- A state Opt-In decision essentially means that the Governor is agreeing to FirstNet's acquisition plan. What is it that the governor is really agreeing to? Is the plan in the best interest of the state?
- Does the state want to take on development of its own Radio Access Network (RAN)? How does it change the FirstNet State Plan if the State opts-out?
- Does Congress have the authority to require the states to adopt this system? Can a state refuse to comply with FirstNet?

#### b. Spectrum Value and Disposition

- The question of spectrum value and disposition is very significant for FirstNet. It received the rights from the FCC for 20MHz of spectrum in the 700 MHz range across the entire country. This spectrum is considered the “waterfront property” of wireless spectrum. FirstNet expects to defray the cost of network buildout by selling its excess or unused capacity to carriers for commercial use. In some states, the value of the excess capacity will exceed the cost of the network buildout and create a surplus which will fund the gap created by states with a shortfall. RIEMA speculates that Rhode Island falls into the range of a surplus state. Will this translate into excess value for the state? FirstNet interprets the law to say no. RIEMA needs to study this matter further.

#### c. Moving State T-Band Users to Different Spectrum

- What is the FCC/FirstNet plan to subsidize the cost for the 10 Rhode Island PSEs currently using T-Band (470-512 MHz) for their radio systems to migrate to a different frequency?

#### d. User Fees

- To date, the most often asked question about FirstNet is “How much is it going to cost?” The answer to this question is critical to any discussion about the State’s participation in and overall success of FirstNet.

## Appendix 1: FirstNet by the Numbers (Graphic Summary)



(Source: FirstNet, September 2015)



# FirstNet by the Numbers

## THE COVERAGE CHALLENGE

Coverage challenge: Providing service to **60,000** public safety agencies, **3,144** counties, and **567** federally recognized tribes in coverage areas including urban and rural



## FIRSTNET NETWORK

To meet this challenge, FirstNet is considering a network architecture using land-based cellular, satellite infrastructure and deployable systems to provide coverage.



**4G LTE** is **10x**  
faster than 3G wireless service



## 2014-2016

- Strategic Program Roadmap
- Conduct Consultation
- Collect data and design network
- Develop and award comprehensive RFP
- Establish network core

## THE ROAD TO THE FIRSTNET

## HOW MUCH WILL IT COST?

To offer services that meet the needs of public safety at a cost that's competitive and compelling to users.

- FirstNet Tenet

## 2016+

- Governor reviews design offer and opts in or out of FirstNet network deployment
- Integrate Next Generation 9-1-1

**2022**

Network substantially in operation

Source: FR data:  
60,000 public safety agencies (fda.gov) | 3,144 counties  
(wags.gov) | 567 federally recognized tribes (fda.gov)



**FirstNet**

**First Responder Network Authority**

For more FirstNet facts visit: [www.firstnet.gov](http://www.firstnet.gov)



Thank you to the State of Oregon for the initial development of this document

(revised September 2015)

(Source: FirstNet, September 2015)

## Appendix 2: Rhode Island Response to Initial Consultation Package



**RIEMA** RHODE ISLAND  
EMERGENCY MANAGEMENT AGENCY

Lincoln D. Chafin Governor  
Janis R. McDonald Executive Director

December 5, 2014

Mr. David Buchanan  
Director of State Consultations  
First Responder Network Authority-First Net  
12201 Sunrise Valley Drive  
Mail Stop 243  
Reston, Virginia 20192

Re: FirstNet Initial Consultation Package Response

Dear Mr. Buchanan:

Enclosed you will find the State of Rhode Island's response to the FirstNet Initial Consultation Package detailing the information requested by your letter of April 30, 2014 for the state's initial consultation.

The State of Rhode Island is focused on ensuring its First Responders have a reliable, resilient broadband network to perform their life saving mission. Today most of the population owns smart phones that are more powerful communications devices than those typically used by the public safety community. In many cases, emergency responders have to bring their own smartphones to work to access applications, search databases, share videos and photos. We are looking forward to working with FirstNet to facilitate the use of rugged, easy to use devices designed to meet public safety requirements and provide a rich set of applications and services that enhance their ability to do their jobs. By partnering with the State of Rhode Island and its capabilities couple with the FirstNet network which will provide the backbone to allow the public safety community to improve their communications and perform their missions safely.

If you have any questions about this letter please contact Tom Guthlein at [Thomas.guthlein@ema.ri.gov](mailto:Thomas.guthlein@ema.ri.gov) or 401-462-7121.

Thank you for your consideration in this matter.

Sincerely,



Janis R. McDonald  
Executive Director

Enclosure: (1) Readiness Checklist Answers  
(2) Questions for FirstNet

---

645 New London Avenue Cranston, Rhode Island 02920 | P: 401-946-9996 | P: 401-944-1891 | [riema.ri.gov](http://riema.ri.gov)

**Governance Body:**

On July 13, 2009 enacted by the General Assembly Statute 6096 Chapter 30-15-42 of the General Laws established the Rhode Island Interoperable Communication Committee (ICC) in an effort to combine efforts and to provide a single committee to coordinate all communications interoperability in Rhode Island. This committee was given the following authority:

1. The authority for the creation under Rhode Island law and operation of the Rhode Island ICC is derived from the Rhode Island Emergency Management Agency.
2. The Rhode Island ICC will function under the guidance and oversight of the Executive Director of RI Emergency Management Agency.
3. This committee or group has the authority to make recommendations for the purpose of addressing the challenges associated with statewide interoperability.
4. All policies, plans, and projects will be submitted to and approved by the RI Emergency Management Agency. This committee can make recommendations to help direct the use of grant funding and state funds dedicated for capital improvements and operational upgrades and maintenance to improve statewide public safety interoperability.
5. This committee should identify additional sources of funding allotted through cross-discipline and cross jurisdictional coordination.
6. The members of this committee were selected by the directors of each agency and given the authority to vote on the agencies behalf. Although the individuals may come from one particular discipline within a jurisdiction, they will represent the overall interests of all disciplines in their jurisdiction while serving on the committee.

The ICC is made up of the following agencies:

- Rhode Island National Guard
- Rhode Island Fire Chiefs Association
- Rhode Police Chiefs Association
- Rhode Island Emergency Management Agency
- Rhode Island Level 1 Trauma Center (LifeSpan)
- Hospital Association of Rhode Island (HARI)
- City Providence Communication Division
- Rhode Island Statewide Communication Network (RISCON) north zone users group representative
- RISCON System south zone users group representative
- Rhode Island State Police
- Rhode Island Department of Environmental Management
- Rhode Island Department of Transportation
- Rhode Island Department of Corrections
- Rhode Island Department of Information Technology
- Rhode Island Department of Health
- Rhode Island Public Transit Authority
- Bridge and Turnpike Authority
- Rhode Island E-911 system
- Narragansett Tribe
- Rhode Island Broad Band
- One position appointed by the Executive Director if the Rhode Island Emergency Management Agency





The committee operates with a Chairperson and Vice Chairperson who are appointed by the Governor after a vote by the ICC membership. The current Chairperson is Executive Director Jamia McDonald from RIEMA and, the Vice Chair is Peter Ginalti from Life Span.

#### Attendees:

The ICC holds its meetings monthly with the entire membership listed above to cover ongoing issues related communications, operations and planning for the future using out current systems and leveraging technology to become more efficient for the future. The last meeting of the ICC was held on September 7, 2014 where members were provided a brief on the progress of FirstNet. The agendas and minutes of all meetings are posted on the Secretary of State's web page. (<http://sos.ri.gov/>)

#### Scheduling:

The State's Single Point of Contact (SPOC) Jamia R. McDonald will work directly with FirstNet on scheduling the initial consultation for the first or second quarter of 2015.

#### Wireless Contract Vehicles:

The state has an estimated 11,000 wireless devices in service and required to have mobile device management on any device that can connect to the state's enterprise. In order to get coverage throughout the state we have multiple providers. In some areas we have issued waivers for agencies to subscribe to non-contracted vendors if none of the contracted vendors can provide coverage.

The state is involved in a new contract for new wireless telephone and broadband equipment, service plans and support to be provided throughout the State of Rhode Island. The contract enterprise agreement will be mandatory and shall be used by all agencies and State Colleges and Universities. The contract is also available for municipalities.

The new contract will include the following providers, who are authorized to provide service plans and equipment anywhere in the State of Rhode Island:

- AT & T Mobility
- Verizon Wireless
- U.S. Cellular (moving to State no Current data)
- Sprint

The scope of the contract includes wireless devices (voice-only, smart phones, Apple devices, tablets), service plans for wireless voice, data-only (Air-cards) and voice/data combination plans (smart phones).

#### Rates and Fees- AT & T Mobility

State Voice Plan	
State Voice (Local/National)	\$0.00 - monthly access \$0.06 - per incoming minute \$0.06 - per outgoing minute \$0.06 - per mobile to mobile minute \$0.06 - per toll-free minute \$0.06 - per directory assistance minute \$1.99 - per directory assistance call No charge for: Long distance Intrastate roaming Interstate roaming
State Smart Phone Data Plan	
	Unlimited :



	\$ 27.00 – monthly access  <b>5 GB with tethering capability:</b> \$ 37.00 – Monthly access \$ 10.00 – per GB over 5 GB allowance
<b>State Laptop, Tablet and Mi-Fi (Hot Spot)</b>	
	<b>5 GB</b> \$ 37.99- monthly access \$ 10.00- per GB over 5 GB allowance  <b>3 GB- \$ 26.95 monthly access</b>  <b>Unlimited (Mi-Fi) Mobile router</b> \$ 37.99- data speed may be reduced in certain areas.

#### Sprint Rate Sheet

<b>State Rate Plan (Local/National)</b>	
	\$3.00 - monthly access \$0.06 - per incoming minute \$0.06 - per outgoing minute \$0.06 - per mobile to mobile minute \$0.06 - per toll-free minute \$1.99 - per directory assistance call No charge for: Long distance Intrastate roaming Intrastate roaming Optional Add Ons: Text Plans; 300 Text incoming & outgoing \$2.00 per month Text Plans; 1,000 Text incoming & outgoing \$6.00 per month Text Plans; Unlimited Text incoming & outgoing \$10 per month Mobile to Mobile; Unlimited Sprint mobile to mobile \$5.00 per month Sprint Direct Connect; Unlimited Direct/Group Connect \$10.00 per month Night/Weekends; Unlimited Night Weekends starting @ 9pm \$5.00 per month
<b>State Smartphone Data Plan</b>	
	<b>Unlimited:</b> \$44.99 - monthly access  <b>5GB:</b> \$39.99 - monthly access
<b>State Air Card Data Plan</b>	



	Unlimited:
	\$37.99 - monthly access
State Tablet Data Plan	
	6GB:
	\$39.99 - monthly access

#### Verizon Rate Sheets

<b>State Voice Plans:</b>	
State Voice Plan Rhode Island	\$0.00 - monthly charge \$0.06 - per incoming minute \$0.06 - per outgoing minute \$0.06 - per mobile to mobile minute \$0.30 - per interstate roaming minute \$0.06 - per toll-free minute \$0.06 - per directory assistance minute \$1.99 - per directory assistance call No charge for: Long distance Intrastate roaming Optional add-ons: \$5.00 per month - 500 night/weekend minutes \$5.00 per month - 500 mobile to mobile minutes
State Voice Plan National	\$9.00 - monthly charge \$0.06 - per outgoing minute \$0.06 - per incoming minute \$0.06 - per directory assistance minute \$1.99 - per directory assistance call Note – Includes 500 Verizon mobile to Verizon Mobile minutes No charge for: Long distance Intrastate roaming Interstate roaming
<b>State Smartphone Data Plan</b>	
	Unlimited Smartphone Data Plan: \$30.00 – monthly access (with any voice plan)
<b>State Aircard / Tablet Data Plan</b>	
	Unlimited Mobile Broadband Data Plan: \$39.99- monthly access  5 GB Mobile Broadband Data Plan: \$35.99- monthly access (Overage charge \$10/GB)  2 GB Mobile Broadband Data Plan: \$30.00- monthly access (Overage charge \$10/GB)

#### Outreach Plan:

The following is Rhode Island's Outreach Program and education plan which will change during our planning and implementation process.



**Project purpose:**

1. Prepare the State of Rhode Island's ICC and its public safety communications community for the FirstNet consultation.
2. Provide the state with necessary information to engage in a productive consultation with FirstNet that accurately supports the needs of its stakeholders while assuring network sustainability.
3. Conduct the Rhode Island FirstNet consultation process required by Title VI of H.R. 3630 "Middle Class Tax Relief and Job Creation Act of 2012".
4. Facilitate the deployment of the National Public Safety Broad Network (NPSBN) in the State of Rhode Island.

**Project Goals:**

1. The network is deployed and developed in a manner consistent with all stakeholders' requirements.
2. The network achieves a universal or near universal level of adoption throughout the state.
3. The network is financially and technically sustainable at a cost level which does not unreasonably burden Rhode Island taxpayers.
4. Interoperability is enhanced in the state as a product of adoption of the network.
5. The network and its services substantially enhance first responder ability to protect human life and property.
6. The network and its services increase responder personal safety.

**Specific Outreach Mechanisms:**

The state's outreach program will be through a series of presentations and meetings with stakeholders that will be tracked by the Statewide Interoperability Communication Coordinator (SWIC). The lists below are some of the principal stakeholders we would focus on for program.

- a) State Communication Interoperability Plan implementation meetings.
- b) Rhode Island State Fire Chief Association
- c) Rhode Island State Police Chiefs Association
- d) ICC Meetings
- e) Rhode Island EMS Association
- f) Monthly Cabinet reports to the Governor
- g) Web-based outreach on agency's web page to all first responders.

Currently the agency is in the process of creating a quarterly newsletter that will cover the following topics:

- a) News announcements from FirstNet
- b) Current BTOP network status
- c) One selected story related to devices, cellular standards development, or public safety communications.
- d) Profiles and contact information of Rhode Island PSBN personnel (SPOC, SWIC, and Broadband Planner).
- e) Current process in Rhode Island.
- f) Frequently most asked questions.

**Barriers:**

Currently the State of Rhode Island has not identified any specific legal barriers that would impede its ability to participate fully in the consultation process.





### Questions for FirstNet:

After some of our outreach meeting there has been some extremely important questions that need to be answered by FirstNet to ensure our stakeholders and Governor can make informed decisions. We request the answer to these questions before the process begins.

### Opt-in / Opt-out Questions

1. When will the state need to make an opt in/opt out decision? The law identifies that the state will have 90 days to decide once they're notified about the details of FirstNet's plan or what is explained as FirstNet's Request For Proposal (RFP) process.
2. If the state does not want to opt-in or opt-out to the FirstNet plan, but instead wants to wait and see, or do nothing at all, what is the process?
3. There has not been clarification of who retains "control" or "ownership" over existing local/state/tribal infrastructure assets such as the statewide Land Mobile Radio (LMR) infrastructure in the event FirstNet decides to utilize the existing assets or state-built NPSBN sites. Is FirstNet then a:
  - a. Partner with mutually shared colocation of equipment.
  - b. Lease paying tenant at a local or standardized national rate.
  - c. Controlling authority over existing infrastructure they utilize.
  - d. Owner of the infrastructure they utilize.
4. If a state/local/tribe agency invests in additional Radio Access Network (RAN) site(s) to add coverage in areas that have poor coverage:
  - a. Will there be any financial credits from FirstNet for the investments that were made with non-FirstNet/federal dollars for the network.
  - b. Who owns the additional RAN that is added by local/state/tribal investments to the FirstNet network?
  - c. Are there additional costs for the new RAN to be added to the network (network integration costs) other than local/state/tribal support for the new RAN?

### Spectrum

5. What is FirstNet's plan on how the Public Safety Spectrum Trust (PSST) / D-Block spectrum and Backhaul bandwidth are to be used?
  - a. Public Safety users' only, no other use?
  - b. Commercial use allowed with Public Safety having priority via a ruthless preemption mechanism?
  - c. Consumer and Commercial use allowed with Public Safety having priority via a ruthless preemption mechanism?
  - d. How does FirstNet envision the workings of the Ruthless Preemption and Local Control mechanism(s)?
6. If FirstNet builds into an area with no existing cellular / LTE coverage, will Consumer / Commercial traffic be allowed on that portion of the system?



7. How does FirstNet plan to address LMR systems that were operating in the current broadband spectrum before the FCC realigned the 700MHz band to accommodate the NPSBN? This would involve:

- a. Costs to reprogram / modify / upgrade / replace equipment
- b. Timelines to move the current LMR incumbents.

8. Regardless of Opt-in/Opt-out status will a State, or other entity, need to execute a spectrum manager lease agreement? If so, why?

#### **Commercial Carriers**

9. Does FirstNet envision requiring Public Safety users to leave their current commercial networks and/or LMR systems and join the FirstNet service?

10. How are Federal, State and local cellular taxes going to be affected if a governmental NGO is doing the billing?

11. Will FirstNet be required to also charge for a States' "Police and Fire Protection fee.

12. Will there be different rate plans for local governmental agencies based upon data rates?

13. Will FirstNet have a sharing or pooled data plan per governmental agency or city entity?

14. Will FirstNet provide our state with guaranteed assurance that the FirstNet commercial carrier system will be better than our current mission critical, public safety grade system at no cost greater to our public safety users than they are paying per month today with complete coverage of our state?

15. How will FirstNet communicate planned and unplanned system and localized outages to public safety?

16. Is FirstNet currently working with any carriers to design the network architecture in advance of the state planning process?

#### **FirstNet Consultation with States and Territories**

17. How will FirstNet address the concerns of transparency in all of their efforts (planning, data collection, outreach, design, RFP, contractor solicitation, etc.) to ensure public safety supports the FirstNet direction?

#### **Inventory and data collection for communication assets**

18. What Data is FirstNet requiring we collect?

19. Will Federal communications assets as well as commercial carrier assets within our state boundaries be provided to us as part of our inventory, or will each 56 state and territory need to go to each carrier and each federal government agency to secure that information?

#### **Financial/Legal**

20. What does FirstNet envision the contractual / billing structure to be?

- a. Individual Agencies contract with a Federal organization like FirstNet, The



Federal organization contracts with the Vendor

b. Individual Agencies contract with the State, the State contracts through FirstNet to the Vendor, or the State contracts with the Vendor directly.

c. Individual Agencies contract with the Vendor directly.

21. Does FirstNet envision a complaint or appeals process for service and billing issues?

22. Does FirstNet have any draft contracts, Service Level Agreements, or other documents available for review?

23. Will the States be expected to indemnify FirstNet or any other party?

24. Will local/state/tribal entities be able to or be responsible for maintaining FirstNet RAN within the states?

25. The law states that FirstNet will be responsible for constructing, managing and maintaining the nationwide network, but what impact will that have on state and local procurement for infrastructure that may be added or partnered to meet local requirements, or any state and local zoning restrictions?

26. To which degree do states have the ability to broker novel partnerships and explore innovative business models without completely opting out of FirstNet's proposal and building its own RAN? Is this a topic FirstNet will explore in its consultation with the states?

27. What financial value, if any, is FirstNet assigning to incumbent public safety infrastructure and human resources that FirstNet may utilize to deploy networks in each state?

28. Will funding be available for terminal devices from FirstNet? Products used today by Public Safety are usually subsidized by the commercial carrier they utilize.

29. What is the recapitalization approach for FirstNet? How does FirstNet plan to fund future improvements?

#### **Technology**

30. Public Safety communications systems are often rendered ineffective due to their reliance on third party backbones. The current FirstNet model is asking states to utilize this model for the nationwide system. What lessons learned have been taken away and documented from past events, and what design changes could minimize these impacts?

31. What involvement will states have in monitoring FirstNet infrastructure within their states or in bordering states?

32. How do we ensure that end users not using a FirstNet solution will be assured of connectivity with end users on FirstNet? Will there be a central standards body to certify network compliance?

33. If not cost, what ultimately will compel an end user to switch from their current solution to a FirstNet solution? Are there going to be value-added services (applications) that are only available to FirstNet users?

34. Does FirstNet plan to supply applications and services, or will this be a straightforward wireless data transport network? Will FirstNet provide:

a. End-user applications and operate an applications "store"?



b. Standardized network services (e.g., a push-to-talk service or a location service) which is agnostic to end-user applications and which any end-user application may interface with?

c. Hosted services to support interoperability, such as emergency call taking services?

35. What is FirstNet's strategy to protect the public safety broadband market from very small economies of scale which have made public safety equipment so expensive in the past?

36. What is FirstNet's strategy for early deployments of locally-owned infrastructure on the nationwide network? Outside of BTOP entities, there are many jurisdictions in the country that may wish to begin building RAN immediately and provide those resources to the NPSBN once FirstNet later deploys in that area.

37. What is FirstNet's strategy to respond to RAN additions? Sites are often necessary to add due to coverage or capacity following the initial system construction or the relocation of a site.

38. What specific system performance data will FirstNet share with local stakeholders?

39. Does FirstNet have any specific guidelines for projecting, and communicating to stakeholders, initial coverage and traffic loading performance?





## Appendix 3: Rhode Island Response to Second Public Notice

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DEPARTMENT OF COMMERCE  
FIRST RESPONDER NETWORK AUTHORITY  
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION  
Washington, D.C. 20230

In the Matter of the )  
 )  
First Responder Network Authority )  
Proposed Interpretations of Parts of )  
The Middle Class Tax Relief and Job )  
Creation Act of 2012 )  
 )

Docket No. 150306226-5226-01

**PUBLIC COMMENT  
SUBMITTED BY  
THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

The Rhode Island Emergency Management Agency is the designated governmental body for coordination with FirstNet for the State of Rhode Island. Rhode Island supports the establishment of a nationwide, interoperable public safety broadband network consisting of a core network and a radio access network, and welcomes the opportunity to provide comments in response to FirstNet's *Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012*, ("the Act") 80 Fed. Reg. 13336 (2015).

FirstNet's interpretation of Act presumes:

Congress drew a balance between the interoperability and self-sustainment goals of the Act and preserving the ability of states to make decisions regarding the local implementation of coverage, capacity and many other parameters if they wanted to exercise such control. FirstNet has a duty to implement the Act in a manner that is faithful to this balance and to the opportunity of the states to exercise local deployment control. But in balancing the above interests, Congress was careful not to jeopardize the overall interoperability and self-sustainment goals of the Act in its express provisions. For example, a State's ability to exercise local control of deployment is with respect to the RAN only, not the core network,

and the State must demonstrate that its alternative plan for the RAN maintains the overall goals of the Act through, among other things, demonstrating interoperability and cost-effectiveness.<sup>1</sup>

Although claiming that Congress intended to balance these interests, FirstNet's interpretation of the Act is heavily weighted in favor of the interoperability and self-sustainment goals of the Act and permits FirstNet to disapprove state plans and force states to participate in more expensive federal plans.

FirstNet's interpretation of P.L. 112-96, Title VI, Section 6206(b) and (c), which describes FirstNet's duty to develop and issue requests for proposals, concludes that FirstNet does not have to complete the requests for proposals process for all states prior to presenting proposals to individual states. This interpretation forces states to make a decision regarding RAN options without providing the states with cost information, placing the states in the untenable position of having to select a plan without knowing if it is the more cost-effective option.

Section 6302(e)(B) requires FirstNet to provide "details of the proposed plan." It is an elementary tenet of contract law that contract price is a not merely a detail, but a *material element* of the contract. FirstNet's interpretation of the Act, which forces a state to enter into a contract without knowledge of this material element, could likely result in a judicial finding that this section of the Act is an unconscionable contract of adhesion.

Rhode Island urges FirstNet to reconsider its interpretation of Section 6206(b) and (c), and conclude that requests for proposals for all states must be completed prior to presenting proposals to individual states, and that these proposals must contain sufficient financial information or a cost ceiling that will enable the states to make informed financial decisions.

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<sup>1</sup> 80 Fed.Reg. 13341 (2015).

FirstNet's interpretation also concludes that Section 6302(e)(3)(D) allows FirstNet to disapprove state RAN plans if they "affect the resources of the network as a whole." Rhode Island urges FirstNet to interpret the Act in a more evenly balanced manner that does not allow FirstNet to disapprove a state plan solely on cost-effectiveness to FirstNet.

In providing the states with the option to develop its own RAN plan, Congress intended to allow the states to exercise state sovereignty and financial independence. It did not intend to force states to select a RAN plan option without knowing the costs of the plans, nor did it intend to allow FirstNet to disapprove plans based solely on federal cost-effectiveness. State participation in and support of the network is critical to its success, and the states must be afforded the opportunity to make informed financial decisions in order to fully partner with FirstNet.

Respectfully Submitted,

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Peter T. Gaynor, Director  
Rhode Island Emergency Management Agency

## Appendix 4: FirstNet Letter to Governor Raimondo



October 16, 2015

The Honorable Gina Raimondo  
Governor  
State of Rhode Island  
State House  
Providence, RI 02903

Dear Governor Raimondo:

Over the last year, the First Responder Network Authority (FirstNet) has been preparing for the construction and deployment of the first Nationwide Public Safety Broadband Network (NPSBN). I am writing to provide some important updates and clarifications about FirstNet's future deployment and the potential impacts in Rhode Island. Additionally, I respectfully request a meeting with you and your staff to provide additional information and answer any questions you may have regarding FirstNet.

In our collaboration and consultation sessions with Rhode Island and the other states and territories, it is clear that there are several misconceptions about the legal requirements related to the deployment. I thus wanted to offer clarification on three areas that could have an impact on your decision whether to opt-in to FirstNet's NPSBN deployment plan in Rhode Island or instead take responsibility for deploying your own radio access network that ultimately must integrate with the NPSBN to meet interoperability and other economic and technical requirements.

1. Opt-in/opt-out: The opt-in/opt-out process takes place after FirstNet delivers the final state plan to Rhode Island. At that time, you may accept FirstNet's deployment plan for Rhode Island. As a result, the financial, operational, and contractual risk of the network buildout and operations within Rhode Island would be the responsibility of FirstNet and its partner(s). There would be no radio access network deployment costs to Rhode Island.

If you decide to exercise the opt-out option, then the obligation to build, maintain, and upgrade the radio access network, as well as secure possible grant or other funding, transfers to Rhode Island. In order to exercise this option, you would first submit your alternative state deployment plan for approval to the FCC and NTIA, and enter into a spectrum lease with FirstNet.

2. Revenue generated within Rhode Island: This appears to be one of the most misunderstood issues of the NPSBN buildout. We understand that certain states are being told that they may use revenue generated by the FirstNet network in the state for general fund and other purposes. Simply put, this is inaccurate. The law is clear; all revenue generated by the network must be reinvested back into the nationwide network. No revenue can be redistributed in the state for any other uses.

---

First Responder Network Authority  
12201 Sunrise Valley Drive, M/S 243 • Reston, VA 20192 • [www.firstnet.gov](http://www.firstnet.gov)



3. Use of the network: There is no requirement that any public safety organization use the FirstNet network. FirstNet was borne out of the need for a nationwide interoperable public safety broadband network to assist public safety in their respective missions. We believe that FirstNet, when completed nationwide, will be the most efficient, secure, and cost-effective solution for your first responders, but we need to prove that to you and to all public safety agencies to earn your business.

We look forward to the opportunity to discuss FirstNet in more detail. My team will be following up with your staff to schedule a meeting in the coming months. In the meantime, please do not hesitate to contact me or FirstNet's Government Affairs Director, Mr. Edward Parkinson, at 202-482-3785 or via email at [Edward.Parkinson@Firstnet.gov](mailto:Edward.Parkinson@Firstnet.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "M.S. Poth".

Mike Poth  
Chief Executive Officer  
First Responder Network Authority



